

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-v-

\$40,000 UNITED STATES CURRENCY,

Defendant.

VERIFIED COMPLAINT FOR FORFEITURE

The United States of America, by and through its attorney, James P. Kennedy, Jr., United States Attorney for the Western District of New York, and Mary Clare Kane, Assistant United States Attorney, of counsel, for its verified complaint herein alleges as follows:

CAUSE OF ACTION

1. This is an action in rem under the provisions of Title 21, United States Code, Section 881(a)(6) for the forfeiture of the sum of \$40,000 in United States Currency (hereinafter “defendant currency”), which was seized on or about December 10, 2020, during a traffic stop on Interstate 86 in North Harmony, New York.

2. This Court has subject matter jurisdiction of this action pursuant to the provisions of Title 28, United States Code, Sections 1345 and 1355(a), in rem jurisdiction pursuant to Title 28, United States Code, Sections 1355(b) and 1355(d). Venue is properly premised in the Western District of New York pursuant to Title 28, United States Code, Section 1395 and Title 21, United States Code, Section 881(j).

3. On December 10, 2020, New York State Police (“NYSP”) Troopers, the Southern Tier Regional Drug Task Force (“STRDTF”) and the Drug Enforcement Administration (“DEA”) Buffalo Resident Office (“BRO”) Group D-58, did seize the defendant currency after a traffic stop led to a search of the defendant’s vehicle. The defendant currency was seized on the basis that it was furnished or intended to be furnished in exchange for a controlled substance, as proceeds traceable to exchanges of controlled substances and/or had otherwise been used to facilitate a violation of 21 U.S.C. §801 *et. seq.* The defendant currency transferred via wire to the United States Marshals Service and deposited into an account under the custody of the United States Marshals Service, Buffalo, New York.

SEIZURE OF DEFENDANT CURRENCY

4. The DEA, NYSP, and STRDTF, have been conducting a joint investigation targeting drug interdiction on Interstate 86 in Chautauqua County, New York.

5. On December 10, 2020, NYSP Troopers conducted a traffic stop of a green 2012 Ford F-150 bearing NY registration JAZ5293, due to a cracked windshield. The driver was Ryan McBride, and the passenger was Scott Lindsay. Lindsay is the registered owner of the vehicle. A Trooper smelled the odor of marijuana while interviewing the driver and proceeded with a probable cause search of the vehicle. DEA Task Force Officer (“TFO”) and STRDTF Investigator assisted with the stop.

6. Law enforcement conducted the search of the vehicle and the following items were seized for evidence pursuant to Title 21, United States Code, Section, 881(a)(6):

ITEM	LOCATION
Small amount of marijuana	Front passenger seat
\$40,000 United States Currency	Black satchel bag
Pink Samsung Cellphone	Pocket of Scott Lindsay

7. Ryan McBride and Scott Lindsay were interviewed at the scene by a DEA TFO and STRDT Investigator. During the interview, Lindsay claimed ownership of the marijuana, cellphone and currency. He stated he was on his way to 510 Monroe Street in Jamestown to give his ex-girlfriend \$20,000 and give her another \$20,000 for safe keeping. However, in his claim, the claimant stated he was on his way to purchase 510 Monroe Street from David Howard. Lindsay could not produce any records or documentation relating to the source of the currency.

8. At the time of the traffic stop, Lindsay stated to law enforcement that he was unemployed.

9. The breakdown of the defendant currency is as follows:

\$40,000 found in seven rubber banded bundles inside a black satchel bag in the vehicle:

<u>Denomination</u>	<u>Number of Bills</u>	<u>Value of Bills</u>
\$100	61	\$6,100
\$50	88	\$4,400
\$20	1475	\$29,500

10. Based upon training and experience of the law enforcement officers involved, cash is almost the exclusive medium of exchange for drug dealers. Further, the abundance of

twenty-dollar bills is significant because small denominations (such as twenty-dollar bills) are more commonly used than other denominations in street level drug trafficking. Also, narcotics couriers and traffickers are known to package currency in tightly bound rubber banded bundles.

11. Based on the interviews of both occupants, the currency's breakdown, how the currency was bundled, and the presence of controlled substances in the vehicle, the defendant currency was seized pursuant to Title 21, United States Code, Section 881(a)(6).

LINDSAY'S PRIOR CRIMINAL HISTORY

12. Lindsay has a criminal history record dating back to 2005 which includes the following drug related arrest and conviction:

a. On December 30, 2007, Lindsay was arrested in the state of Ohio by Ashtabula County Sheriff's Office and charged with Possession for Sale at Retail of Dangerous Drugs, in violation of Ohio Penal Code Section 4729.51.

INITIATION OF CIVIL JUDICIAL ACTION

13. On or about March 10, 2021, Scott Lindsay filed a claim for \$40,000 of the defendant currency with the DEA to halt the administrative forfeiture proceedings against the defendant currency in favor of judicial forfeiture proceedings.

CONCLUSION AND REQUEST FOR RELIEF

14. Based on all of the foregoing facts, the circumstances surrounding these facts, and the experience and training of the officers involved, there is cause to believe that the defendant currency was furnished or intended to be furnished in exchange for a controlled substance, and was intended to be used to facilitate the sale, receipt, or possession of controlled substances in violation of 21 U.S.C. § 801 *et. seq.*, and the currency is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6).

WHEREFORE, the United States of America respectfully requests:

- (1) that an arrest warrant in rem be issued for the arrest of the defendant currency;
- (2) that all persons having any interest therein be cited to appear herein and show cause why the forfeiture should not be decreed;
- (3) that a judgment be entered declaring the defendant currency be condemned and forfeited to the United States of America for disposition in accordance with the law;
- (4) that the costs of this suit be paid to and recovered by the United States of America; and
- (5) that the Court grant such order and further relief as deemed just and proper.

DATED: June 7, 2021, at Buffalo, New York.

JAMES P. KENNEDY, JR.
United States Attorney
Western District of New York

BY: *s/MARY CLARE KANE*
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**STATE OF NEW YORK)
COUNTY OF ERIE) ss.:
CITY OF BUFFALO)**

TROY BOUCKHUYT, being duly sworn, deposes and says:

I am a Task Force Officer with the Drug Enforcement Administration, Buffalo NY, and I am familiar with the facts and circumstances surrounding the seizure of the \$40,000 in United States currency seized from Scott Lindsay on Interstate 86, North Harmony, New York on or about December 10, 2020. The facts alleged in the Complaint for Forfeiture are true to the best of my knowledge and belief, and based upon information furnished to me by the officials of the DEA, New York State Police, Southern Tier Regional Drug Task Force, and provided to the officials of the United States Department of Justice.

s/ TROY BOUCKHUYT
Task Force Officer
Drug Enforcement Administration

Subscribed and sworn to
before me this 7th day of
June, 2021.

s/Gabriela Rodriguez

Notary Public

GABRIELA RODRIGUEZ
Notary Public, State of New York
Qualified in Niagara County
My Commission Expires: 09/04/2022